

28 U.S.C. § 1446(b).

3. Plaintiff Erin Reynolds is a resident of the State of Texas and domiciled in Limestone County, Texas.

4. Intervenor Wade Reynolds is a resident of the State of Texas and domiciled in Navarro County, Texas.

5. Defendant Carolina Cargo, Inc. of Rock Hill, is incorporated in Rock Hill, South Carolina, with its corporate office and principal place of business in Rock Hill, South Carolina.

6. Plaintiff's Original Petition, filed contemporaneously herewith, seeks monetary relief in excess of \$1,000,000.00.

II. BASIS FOR REMOVAL

7. Removal is proper under 28 U.S.C. § 1332(a) because Plaintiff's suit is a civil action in which this Court has original jurisdiction over the parties, based upon diversity jurisdiction under 28 U.S.C. § 1332. This action is one which is removable to this Court pursuant to the provisions of 28 U.S.C. § 1441(b) because Plaintiff is a citizen of the State of Texas, Defendant is a South Carolina corporation.

8. As the Court is certainly aware, for diversity purposes, a person is considered a citizen of the state where that person is domiciled. Additionally, for diversity purposes, a corporation is a citizen of both the state in which it was incorporated and the state in which it has its principal place of business. 28 U.S.C. § 1332(c)(1). Because the Plaintiff does not share citizenship with the Defendant, removal is proper on diversity grounds.

9. Defendant is now, and was at the time the removed action was commenced, diverse in citizenship from the Plaintiff. 28 U.S.C. § 1332. Accordingly, because the notice of removal was filed within thirty days after the receipt of a copy of the initial pleading setting forth

the claim for relief, this removal is proper and timely under 28 U.S.C. §1446(b).

10. Further, as set forth in Plaintiff's Original Petition, filed with these pleadings here today, the amount in controversy in this action exceeds, exclusive of interest and costs, the sum of One Million Dollars (\$1,000,000.00). Thus, the amount in controversy meets the threshold for removal.

11. The United States District Court for the Northern District of Texas, Abilene Division, embraces Taylor County, Texas, the place where the State Court Action was filed and is pending. This statement is not meant as a waiver of any argument that venue is improper in the location in which the State Court Action was filed, but merely demonstrates the propriety of removing the action to this federal judicial district.

12. The live pleadings before the State Court are solely those of Plaintiff's Original Petition, Plaintiff's First Amended Petition, Defendant's Original Answer, and a Plea in Intervention filed by Wade Reynolds. No other motions are pending before this State Court. No discovery has been conducted by the parties.

13. All pleadings, process, orders, and other filings in the state court action are attached to this Notice, as required by 28 U.S.C. § 1446(a).

14. Defendant will promptly file a copy of this Notice with the clerk of the state court in which the action is pending.

III. **REQUEST FOR JURY TRIAL**

15. Defendant hereby demands a trial by jury in accordance with the provisions of FED. R. CIV. P. 38.

WHEREFORE, PREMISES CONSIDERED, Carolina Cargo, Inc. of Rock Hill, as a party in diversity with the Plaintiff, respectfully requests that this action be immediately and

entirely removed upon filing of this Notice of Removal to the United States District Court for the Northern District of Texas, Abilene Division, and for such other and further relief to which it may now be entitled in equity or law.

Respectfully submitted,

FEE, SMITH, SHARP & VITULLO, L.L.P

/s/ William M. Toles

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ATTORNEYS FOR DEFENDANT
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 16th day of October, 2015, I electronically filed the foregoing document with the Clerk of the Court for the U.S. District Court, Northern District of Texas – Abilene Division, using the electronic case filing system of the Court. The electronic filing system sent a “Notice of Electronic Filing” to the following attorney of record who has consented in writing to accept this Notice as service of this document by electronic means as follows:

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